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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 2nd meeting
Held at Headquarters, New York, on Monday, 3 October 2016, at 3 p.m.

Chair: Mr. Drobnjak ..... (Croatia)

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The meeting was called to order at 3.05 p.m.

Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/71/23 (chaps. II to VII))

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Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (A/71/23 (chaps. VIII, IX, X, XI, XII and XIII))

1. **The Chair** said that decolonization had been one of the defining issues since the establishment of the United Nations. Thanks to its untiring efforts, particularly those of its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the vast majority of the world's population was no longer under colonial rule and many of the Organization's 193 Member States were represented at the current meeting as sovereign and independent States. The Special Committee's sterling work had been one of the hallmarks of the Organization's success since its inception. Although the Special Committee had fulfilled its mandate in many ways, its task was not yet complete.

2. **Mr. Ja'afari** (Syrian Arab Republic), Rapporteur of the Special Committee on decolonization, introducing the report of the Special Committee on its work in 2016 (A/71/23), said that, in view of the recent developments in New Caledonia and French Polynesia, some of the draft resolutions contained in chapter XIII of the report needed to be updated. Accordingly, in draft resolution XVIII on the question of New Caledonia, a twelfth preambular paragraph should be inserted to read as follows:

"*Noting* the admission of New Caledonia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016".

3. In draft resolution XIX on the question of French Polynesia, a sixteenth preambular paragraph should be inserted to read as follows:

"*Noting* the admission of French Polynesia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016".

4. During its substantive session in June 2016, the Special Committee had continued to analyse developments in the 17 remaining Non-Self-Governing Territories, guided by the principles set forth in the Charter of the United Nations, relevant resolutions and the goals of the Third International Decade for the Eradication of Colonialism, which reaffirmed the Special Committee's vital role in advancing the decolonization agenda. The Special Committee had also held its Pacific regional seminar, which had again been graciously hosted by the people and Government of Nicaragua and had focused on commitments and actions for decolonization in the Territories.

5. In its consideration of the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, the Special Committee had taken into account its decision at its 2015 session to address those Territories under separate resolutions starting from its 2016 session in order to ensure that adequate time was devoted to each one, and to accord them dignity.

6. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking as the Chair of the Special Committee on decolonization, said that, despite the progress made since the adoption of the Declaration, decolonization was now in a phase of stagnation. During its 2016 session, the Special Committee had continued to monitor implementation of the Declaration for the 17 remaining Non-Self-Governing Territories.

7. Thanks to the generous hospitality of the Government of Nicaragua, the Special Committee had again held its Pacific regional seminar in Managua. An unprecedented number of Special Committee members had attended the seminar, which had allowed the representatives of the Non-Self-Governing Territories, together with members of academia and civil society, to engage in frank exchanges on how the decolonization process could advance and how the Special Committee could improve its work. It was clear that the commitment did not fall on the shoulders of a few and that the entire international community must join forces to end colonialism. Unfortunately, only one specialized agency had attended the opening meeting and no funds, programmes or specialized agencies had participated in the discussions.

8. Pursuant to General Assembly resolution 69/107 (2014), the Bureau had met with the Secretary-General on 10 June 2016 to discuss recent efforts to advance the decolonization agenda, including the outcome of the regional seminar. The Special Committee's membership had participated actively in the 13 meetings held from February to June 2016. The Special Committee had considered the situations of the 17 Non-Self-Governing Territories and Puerto Rico, as well as thematic issues such as information transmitted under Article 73 *e* of the Charter of the United Nations; dissemination of information; economic and other activities affecting the interests of the peoples of the Territories; implementation of the Declaration by the specialized agencies; and visiting missions. In 2016, the Special Committee had broken up the "omnibus" resolution covering 11 Non-Self-Governing Territories in order to ensure that appropriate attention was given to the unique situation of each Territory. As a result, the Special Committee had adopted 22 resolutions without a vote, nearly double the number of resolutions adopted in 2015. He hoped that the members of the Fourth Committee would give positive consideration to the 19 draft resolutions submitted to it by the Special Committee and recommended for adoption by the General Assembly.

9. After 20 years, the Special Committee had revived the Week of Solidarity with the Peoples of Non-Self-Governing Territories in order to strengthen the right of those peoples to self-determination, taking into account their particular situations on a case-by-case basis. The Special Committee encouraged the United Nations and its Member States to continue supporting and participating in that extraordinary endeavour in order to strengthen the international community's resolve to put an end to colonialism in all its forms.

10. The Special Committee attached great importance to enhancing dialogue and cooperation with the administering Powers to advance the decolonization mandate. The Bureau planned to hold informal consultations with the administering Powers and other stakeholders to hear their views and define cooperation in line with the responsibilities of administering Powers to implement self-determination. Moreover, visiting missions were an effective way for the Special Committee to assess the situation in the Territories and engage directly with them. The Special Committee was currently reviewing proposals made during the regional seminar and the substantive session, as well as the feasibility of visiting a Territory.

11. Genuine dialogue would benefit all parties, especially the peoples of the Territories. The cooperation and political will of the administering Powers and other stakeholders would help the Territories accelerate their respective decolonization processes. Civil society also played an important role. The United Nations system and the entire international community shared the responsibility for decolonization and everything possible must be done to accelerate the process and achieve the eradication of colonialism by the end of the Third International Decade.

12. Speaking on behalf of the Movement of Non-Aligned Countries, he said that the Movement attached great importance to the universal goal of decolonization and fully supported the aspirations of peoples under colonial rule to exercise their legitimate right to self-determination. The existence of colonialism in any form, including economic exploitation, contradicted both the Declaration on decolonization and the Universal Declaration of Human Rights. The Movement called on the United Nations to fulfil its responsibilities and expedite the process of decolonization to achieve the complete eradication of colonialism, in accordance with the Declaration on decolonization, relevant General Assembly resolutions and the Charter of the United Nations. It stressed, once again, the importance of the recommendations contained in the Final Document of

the seventeenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in September 2016.

13. The Movement emphasized the important role played by the Special Committee, which needed to find different ways to enhance its efficiency in order to improve its interaction and cooperation with administering Powers and ensure the active participation of the peoples of the Non-Self-Governing Territories in determining their own future. In the meantime, the Movement urged the administering Powers to show full support for the activities of the Special Committee and to cooperate fully with that United Nations body. The Movement remained committed to playing its part in ensuring that tangible progress was made towards eradicating colonialism during the Third International Decade for the Eradication of Colonialism. It also urged all administering Powers to pay full compensation for the economic, social and cultural consequences of their occupation of the respective Territories.

14. The United Nations should ensure that the economic and other activities carried out by the administering Powers did not affect the interests of the peoples of Non-Self-Governing Territories, including their cultural identity and heritage, but instead promoted development and assisted them in exercising their legitimate right to self-determination. In addition, the Movement urged Member States to fully implement the decisions and resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the return of cultural property to the peoples that had been or continued to be under colonial rule or foreign occupation.

15. The Movement reaffirmed its position on the question of Puerto Rico, which was set out in the Final Document of its seventeenth Summit Conference of Heads of State or Government, in which the Movement reaffirmed the right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and urged the General Assembly to actively consider the question of Puerto Rico in all its aspects. It expressed concern at legislation adopted by the United States Congress to impose a fiscal control board on the government of Puerto Rico that would infringe upon that government's limited power over its budget and fiscal and other affairs. The Movement was also concerned that the United States Solicitor General had recently stated that the events of 1950-1952, whereby the people of Puerto Rico had adopted a constitution, had not altered its constitutional status as a territory, which contradicted the statements made by the United States in 1953 when it had requested to be exempted from reporting on Puerto Rico under Article 73 *e* of the Charter of the United Nations. Lastly, the Movement continued to support the Palestinian people's inalienable right to self-determination and an independent and viable State of Palestine, with East Jerusalem as its capital, on the basis of the relevant international resolutions.

16. **Mr. Cortorreal** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that all peoples around the world should be able to exercise their inalienable right to self-determination. CELAC remained fully committed to the goal of the Third International Decade for the Eradication of Colonialism and called on the administering Powers to cooperate with the Special Committee and to adopt the measures necessary to attain the rapid decolonization of each of the Non-Self-Governing Territories, some of which were in the CELAC region, while taking the individual situations of the Territories into account, including the fact that some of them were "special and particular" colonial situations involving sovereignty disputes. The administering Powers should regularly communicate accurate information on each of the Territories under their administration. At the January 2016 CELAC Summit, the Heads of State and Government of the Community had renewed their commitment to continue working to make Latin America and the Caribbean a region free of colonialism.

17. CELAC supported the work of the Department of Public Information, including the use of the six official languages on the decolonization website, although it stressed the importance of ensuring that content was regularly updated in all languages. It appreciated the measures taken to provide coverage of Special Committee meetings on United Nations Web TV in 2016 and urged the Department of Political Affairs and the Department of Public Information to ensure the widest dissemination of information on decolonization,

including the coverage of all meetings of the Special Committee.

18. CELAC strongly supported the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as reaffirmed by the Heads of State and Government of CELAC at their most recent Summit. At that Summit, they had stated their abiding interest in the resumption of negotiations by the Governments of the Argentine Republic and the United Kingdom in order to find, as soon as possible, a peaceful and definitive solution to the dispute, in accordance with the relevant resolutions of the United Nations and the Organization of American States. They had also called on the Secretary-General of the United Nations, once again, to renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly with a view to the resumption of negotiations, and to report on the progress made. CELAC further reiterated the importance of observing General Assembly resolution 31/49 calling on both parties to refrain from adopting unilateral measures, and highlighted the ongoing constructive attitude and willingness of the Argentine Government to negotiate a peaceful and definitive solution to the dispute.

19. With regard to the Special Committee's 35 resolutions and decisions on Puerto Rico reaffirming the inalienable right of the Puerto Rican people to self-determination and independence, the Heads of State and Government of CELAC had highlighted the Latin American and Caribbean character of Puerto Rico at the 2016 Summit and recalled the Havana Declaration of 2014 calling for progress on the question of Puerto Rico.

20. Continued efforts were needed to facilitate the sustained and balanced growth of the fragile economies of the small island Territories of the Caribbean and the Pacific. Those Territories should be allowed to exercise their right to self-determination. When the will of the majority of the indigenous population was unequivocal, the administering Powers should not directly or indirectly thwart that will. CELAC therefore remained concerned at the situation in the Turks and Caicos Islands, and underscored the need for the people of that Territory to participate meaningfully in determining their own future. Similarly, special attention should be paid to key issues affecting small islands, such as accelerating loss of territory due to natural disasters and rising sea levels resulting from climate change.

21. CELAC endorsed all resolutions adopted by the General Assembly and the Security Council regarding Western Sahara, including General Assembly resolution 70/98, and reiterated its strong support for the efforts of the Secretary-General and his Personal Envoy for Western Sahara to reach a just, lasting and mutually acceptable political solution leading to the self-determination of the people of Western Sahara, in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV).

22. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking on behalf of the Union of South American Nations (UNASUR), said that colonialism violated the fundamental tenets of democracy and freedom, and it was therefore unacceptable that, in the twenty-first century, 17 Non-Self-Governing Territories remained. Member States should intensify efforts to bring an end to colonialism in all its forms, and UNASUR would continue to support the work of the Special Committee on decolonization to that end. Throughout their history, the peoples of South America had fought valiantly to obtain their independence and put an end to foreign domination.

23. The historical and legal aspects of the question of the Malvinas Islands ruled out any solution based on the principle of self-determination, as had been initially recognized in General Assembly resolution 2065 (XX). In a 2013 declaration (A/68/856), UNASUR had expressed support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as well as the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute in accordance with relevant international resolutions. That declaration had also highlighted the ongoing constructive attitude and willingness of the Argentine Government to negotiate a definitive solution. A 2010 UNASUR declaration (A/65/812) had rejected the exploration and exploitation by the United Kingdom of non-renewable

natural resources on the Argentine continental shelf, which UNASUR saw as a violation of General Assembly resolution 31/49 calling on the parties to refrain from unilateral measures.

24. In a 2012 declaration (A/66/815), the UNASUR Council of Ministers for Foreign Affairs had strongly objected to the military presence and exercises of the United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and described those activities as contrary to the regional policy of seeking a peaceful solution to the dispute. A further special declaration adopted in 2012 (A/67/728) had rejected the notion of a "referendum" for the Islands, as the principle of self-determination was not applicable.

25. UNASUR reaffirmed all United Nations resolutions on Western Sahara and supported the efforts of the Secretary-General and his Personal Envoy to achieve a political solution and facilitate the exercise of self-determination. Lastly, the States members of UNASUR, as part of the Latin American and Caribbean region, affirmed the inalienable right of the Puerto Rican people to self-determination and independence and called on the General Assembly to review the colonial question of Puerto Rico in a comprehensive manner.

26. **Mr. García Moritán** (Argentina) said that the Special Committee played a central role in the decolonization process and that his Government fully supported United Nations leadership in that process in accordance with the Charter and General Assembly resolution 1514 (XV). That resolution had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. The remaining 17 Non-Self-Governing Territories must be decolonized, taking into account the specificity of each case.

27. As a champion of the right to self-determination in all cases in which that right was applicable, Argentina could not accept the use of that principle to violate the territorial integrity of existing States. Following its forcible occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and its expulsion of the Argentine authorities and population in 1833, the United Kingdom had implanted its settlers and strictly controlled migration policies, with which it continued to determine the composition of the territory's population. Recognizing that the population of the islands was not a people subjected to colonialism, General Assembly resolution 2065 (XX) had characterized the question of the Malvinas Islands as a "special and particular colonial situation" that involved a sovereignty dispute to be settled through negotiations between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, taking into account the interests of the inhabitants of the islands.

28. Since the adoption of resolution 2065 (XX) and for nearly two decades, Argentina and the United Kingdom had engaged in substantive negotiations and considered several proposals for settling the dispute; documents had even been drafted attesting to the United Kingdom's agreement to recognize Argentine sovereignty over the islands. During those negotiations, the two countries had cooperated on practical matters related to the welfare of the inhabitants of the islands. His Government had committed to upholding the interests and way of life of the British citizens living in the Malvinas Islands, in accordance with the Argentine Constitution.

29. Although the 1982 conflict, which had taken place while Argentina had been governed by a military dictatorship, had had tragic repercussions for both Argentina and the United Kingdom, the nature of the dispute had not changed. Since then, the United Kingdom had repeatedly refused to resume negotiations, ignoring the calls made by numerous international and regional organizations and forums. Those entities had also decried unilateral exploration and exploitation of renewable and non-renewable natural resources in the disputed area. In that regard, he thanked the Group of 77 and China for its recently adopted ministerial declaration, in which it reiterated its recognition of the Argentine Government's rights in respect of the unilateral activities involving the exploration and exploitation of hydrocarbons in the disputed area.

30. Since taking office in December 2015, Argentine President Mauricio Macri had expressed his willingness to open a new chapter in bilateral relations with the United Kingdom. The joint statement issued by the two Governments in September 2016 reflected

their intent to resume dialogue on all aspects of the South Atlantic, under the formula on sovereignty that preserved Argentine rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In closing, he reiterated the call on the United Kingdom to engage in that dialogue with a view to settling the long-standing dispute in an amicable manner.

31. **Mr. Elshandawily** (Egypt) said that Egypt attached great importance to the right to self-determination and that all peoples under colonial rule should be able to exercise that right in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV). Noting the need to achieve tangible progress in that regard, he expressed surprise that the same Member States that purported to be champions and guarantors of human rights continued to oppose the right to self-determination. He reiterated his Government's support for the inalienable right of the Palestinian people to self-determination and independence in a fully sovereign and viable State of Palestine, with East Jerusalem as its capital, in accordance with internationally recognized resolutions and the most fundamental humanitarian principles.

32. **Mr. Dehghani** (Islamic Republic of Iran) said that the existence of colonialism in any form, including political, social, cultural and economic exploitation, was incompatible with the Charter of the United Nations and the Declaration on decolonization. As a result, the United Nations should speed up the decolonization process in the remaining Non-Self-Governing Territories with a view to completely eliminating colonialism in accordance with those instruments and the relevant General Assembly resolutions.

33. His delegation was concerned at the exploitation of the natural resources of the Non-Self-Governing Territories by administering Powers, and recalled that the latter should avoid any activities that could adversely affect the interests of the peoples under their administration, including their cultural, social and economic integrity. The military activities of administering Powers in certain Territories were a source of particular concern. The administering Powers should cooperate with the United Nations and its Special Committee on decolonization by facilitating visiting missions in the Territories under their administration. In addition, they should ensure the timely submission of information in accordance with Article 73 *e* of the Charter of the United Nations to assist the Secretariat in its preparation of working papers on the Territories concerned. The political, economic, social and educational advancement of the Non-Self-Governing Territories during the decolonization process was a prerequisite for any decision to change their status.

34. Although his Government fully supported the work of the Special Committee, the latter should adopt more effective working methods, improve its interaction and cooperation with administering Powers, and ensure the active participation of the peoples of Non-Self-Governing Territories in determining their own future.

35. **Mr. de Aguiar Patriota** (Brazil) said that the Government of Brazil maintained its long-standing support for Argentina's legitimate rights in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It was regrettable that, more than 50 years after the adoption of the first General Assembly resolution on the matter, and against the backdrop of the Third International Decade for the Eradication of Colonialism, the dispute had still not been resolved. Since the Malvinas formed part of the territory of Argentina, the principle of territorial integrity was applicable. In contrast, the principle of self-determination was not applicable, as the British population on the islands had been implanted during an illegal occupation after the Argentine inhabitants had been expelled. A solution to the dispute would require dialogue between the two parties, and in that vein Brazil welcomed the recent high-level contacts between Argentina and the United Kingdom. The "special and particular" colonial situation in question was a sovereignty dispute that had lasted for nearly 200 years and remained a major pending issue on the global agenda.

36. Concerned at the violations of General Assembly resolution 31/49, Brazil urged the United Kingdom to cease its unilateral exploration and exploitation of natural resources in the disputed area. Furthermore, in a spirit of solidarity, and in accordance with the principle set out in that resolution, Brazil did not authorize the use of its ports or airports by vessels or

aircraft heading to the Malvinas Islands, as that could imply introducing unilateral modifications in the situation.

37. Echoing the resolutions and declarations adopted by various regional forums on the subject, his delegation believed that a negotiated solution was the only option, and urged the Secretary-General to continue his good offices in that connection.

38. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) said that colonialism constituted the most flagrant violation of international law and the Charter of the United Nations, and was an affront to human dignity. The United Nations had a moral obligation to assist all peoples that were still suffering under obsolete colonial systems. Some administering Powers had no intention of completing the decolonization process and were instead exploiting the natural resources of the Territories under their control while attempting to alter the demographic, political, economic, social and cultural situation of those Territories as they saw fit. His delegation called on the colonialist States to abide by the relevant General Assembly resolutions, guarantee the right to self-determination and independence for the Territories under their control and put an end to colonialism. In addition, all Member States should take concrete actions to support the aspirations of those oppressed by colonialism to achieve freedom and independence.

39. Venezuela supported the right to self-determination and independence of the people of Puerto Rico and called on the United States Government to end its colonial domination of that island and its people, which had caused a severe economic and social crisis, and also to release the political prisoner Oscar López Rivera. The General Assembly should consider the question of Puerto Rico in all its aspects.

40. The continued plundering of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas by the United Kingdom, in contravention of international law, was outrageous. The United Nations considered the question of the Malvinas to be a violation of Argentina's territorial integrity and therefore a sovereignty dispute between the two States concerned, and the principle of self-determination did not apply. The Governments of Argentina and the United Kingdom should resume negotiations in order to find a peaceful and negotiated solution to the dispute in accordance with international law.

41. His delegation reiterated its solidarity with and commitment to the self-determination and independence of the people of Western Sahara. His delegation hoped that the negotiation process driven by the United Nations would be resumed, with a view to organizing the referendum on self-determination that had thus far been blocked in contravention of General Assembly and Security Council resolutions. Venezuela was concerned at the Moroccan attempts to promote "supervised autonomy" in Western Sahara, which was outside the 1991 settlement plan. Venezuela also condemned recent obstacles to Sahrawi independence, including recent actions that directly affected the mediation efforts of the United Nations and the United Nations Mission for the Referendum in Western Sahara.

42. Venezuela also wished to speak out against the occupation of Palestine and the colonial process undertaken there by the occupying Power, Israel, in violation of international law. Venezuela reiterated its firm support for a two-State solution to that tragic situation and called for an end to violence against Palestinians.

43. **Mr. Skinner-Klée** (Guatemala) said that the sovereignty dispute between Argentina and the United Kingdom had been defined as a "special and particular" colonial situation because of its distinctive characteristics. The territorial integrity of Argentina had been violated in 1833 through the forced occupation of part of its territory and the displacement of the population. Since then, Argentine settlement in the Malvinas Islands had been prevented, and the occupying Power had transferred some of its own population to that part of Argentine soil; the case thus involved a colonized territory, not a colonized people. In keeping with paragraph 6 of the Declaration on decolonization, the United Nations had therefore specifically ruled out the possibility of applying the right to self-determination to the question of the Malvinas Islands. That year marked the fifty-first anniversary of the adoption of General Assembly resolution 2065 (XX). Argentina had already indicated its willingness to resolve the situation through dialogue and negotiation, and it was to be hoped that the United

Kingdom would play its part to find a just, peaceful and lasting solution to the dispute.

44. Guatemala fully supported all General Assembly and Security Council resolutions on the question of Western Sahara and reiterated its support for the efforts of the Secretary-General and his Personal Envoy to help the parties find a just, lasting and mutually acceptable political solution to the conflict. It urged the parties to continue to show political will and establish a climate conducive to dialogue, in order to enter into a more substantive phase of negotiations. A solution to the question was necessary, not only for the people of Western Sahara, but for the stability, security and integrity of the Maghreb region.

45. **Mr. Barros Melet** (Chile) said that the administering Powers should take the measures necessary to ensure that a rapid process of decolonization could be completed for the remaining Non-Self-Governing Territories, and should transmit adequate information on the Territories under their control in accordance with Article 73 *e* of the Charter of the United Nations.

46. The question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas concerned a special and particular colonial situation involving a sovereignty dispute. Chile reaffirmed the legitimate rights of Argentina over those Islands and maritime areas, in accordance with the relevant United Nations resolutions, and urged Argentina and the United Kingdom to resume negotiations with a view to reaching a solution as soon as possible. His delegation called on the Secretary-General to continue his mission of good offices with a view to reaching a peaceful settlement of the dispute, and highlighted the willingness of Argentina to negotiate a lasting solution. Lastly, his country praised the Department of Public Information for its efforts to disseminate the work of the Special Committee on decolonization, inter alia by keeping the United Nations decolonization website updated in all six official languages.

47. **Mr. Sandoval Mendiolea** (Mexico) said that the inalienable right of peoples to self-determination was a guiding principle in the foreign policy of Mexico. The United Nations should continue its involvement in the process of decolonization, particularly within the framework of the Third International Decade for the Eradication of Colonialism.

48. Mexico supported efforts to find a just and lasting solution to the conflict in Western Sahara, in accordance with the relevant Security Council and General Assembly resolutions, and called on the parties to make genuine progress and engage seriously on the two basic issues: the substance of a political solution and the means of achieving self-determination. A referendum should be held to enable the Sahrawi people to exercise their right to self-determination and choose from all options for their future. His delegation reiterated its support for the United Nations Mission for the Referendum in Western Sahara (MINURSO), which was an important guarantor of the ceasefire, and joined the calls for measures to ensure that MINURSO was able to effectively fulfil its mandate. In particular, it was vital that Security Council resolution 2285 (2016) should be implemented. Furthermore, Mexico reiterated its support for the efforts of the Secretary-General and his Personal Envoy, which were essential to the achievement of a just, lasting and mutually acceptable political solution.

49. Mexico recognized the legal and historical rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina and the United Kingdom, on the basis of their shared values, should continue to seek a peaceful, just and lasting solution to the conflict, in accordance with the relevant resolutions of the United Nations and other multilateral forums. Mexico called on the parties to refrain from unilateral actions that would breach those resolutions and to make use of the good offices of the Secretary-General.

50. **Mr. Webson** (Antigua and Barbuda) said that completion of the decolonization process would require ongoing open dialogue between the administering Powers, the Special Committee on decolonization and the peoples of the Territories concerned. His Government stood by the guiding principles of the Charter of the United Nations and relevant General Assembly resolutions, and called for a negotiated and mutually acceptable political solution to all disputes. All parties concerned should implement and comply fully with the mandates established by the Security Council. They should also show the requisite

political will and work in a manner conducive to dialogue. Political, economic, human rights and security concerns should remain at the forefront of all negotiations.

51. As the interests of dependent Territories were paramount, the Committee should agree to promote social, economic, political and educational progress in the Territories, assist in the development of appropriate forms of self-government and take into account the political aspirations and stages of development and advancement of the peoples of each Territory. All stakeholders should be willing to compromise in the interest of achieving the Committee's goals.

52. **Mr. Sanabria Rivarola** (Paraguay) said that his country remained committed to completing the decolonization process and eliminating the scourge of colonialism, a relic of the past that had harmed some and benefited others. Paraguay supported the principle of self-determination for the original populations of colonized territories and, while it understood the difficulty of balancing the interests of the original population, the population implanted by colonization and the administering Power, the United Nations must act in line with its doctrine, which clearly gave precedence to the rights of indigenous populations. Visible progress had been made in the decolonization process, thanks largely to the political will of States. However, the decolonization process went beyond the efforts of any particular Government and was not a government initiative; instead, it was a social demand rooted in the political aspirations of indigenous peoples. General Assembly resolutions 1514 (XV) and 1541 (XV) were the most useful and transparent instruments for guaranteeing the full exercise of sovereignty, integration or autonomy.

53. Argentina and the United Kingdom should resume negotiations as soon as possible in order to find a lasting and peaceful solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. His delegation commended the constructive attitude of the Argentine Government and its continued willingness to explore all avenues towards a peaceful solution to the dispute.

54. **Mr. Mendoza-García** (Costa Rica) said that his country fully supported the decolonization process and the right to self-determination, which should be exercised in a democratic manner and with full respect for human rights and the territorial integrity of States. The Special Committee on decolonization played an important role in that process and his delegation trusted that it would use the best means to ensure implementation of the Declaration on decolonization, the provisions of relevant General Assembly resolutions and the measures approved in the context of the Third International Decade for the Eradication of Colonialism. His delegation urged the administering Powers to transmit the information required under Article 73 *e* of the Charter of the United Nations.

55. Costa Rica recognized the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and Argentina's legitimate claim had been supported by various General Assembly resolutions. Since 1965, the General Assembly and the Special Committee had categorically declared that the sovereignty dispute constituted a "special and particular colonial situation". His delegation called for respect for the principles of General Assembly resolution 1514 (XV) and urged the parties to resume negotiations to resolve the fifty-year-old impasse.

56. There was a direct link between sovereignty, democracy and compliance with international law. As a result, the United Nations must facilitate the resolution of the international disputes on its agenda in accordance with the values of democracy, human rights, justice and international law. Costa Rica continued to support a just, lasting and mutually acceptable political solution in Western Sahara, in line with the principles and provisions of international law, including General Assembly resolutions 1514 (XV) and 1541 (XV). The United Nations Mission for the Referendum in Western Sahara (MINURSO) did valuable work and it must continue to fulfil its mandate, which should be expanded to include human rights monitoring in both Western Sahara and the Tindouf camps.

57. **Ms. Carrión** (Uruguay) said that efforts to bring an end to colonialism should be strengthened and cooperation and dialogue between administering Powers and Territories promoted. Uruguay defended the right of the Sahrawi people to self-determination. Talks between Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro

(Frente Polisario) must be resumed as soon as possible, in good faith and with a view to achieving a just, lasting and mutually acceptable political solution that provided for the self-determination of the people of Western Sahara, pursuant to the Charter of the United Nations and relevant United Nations resolutions. Her delegation supported the efforts of the Secretary-General and his Personal Envoy in that connection and called on both parties to cooperate with the United Nations to implement measures ensuring full respect for human rights in Western Sahara and the refugee camps. Uruguay was concerned at the repercussions of the Moroccan decision to withdraw part of the civilian component of MINURSO; that unilateral decision had altered the operating conditions of a peacekeeping mission mandated by the Security Council and had set an alarming precedent. Uruguay also regretted the deterioration in the situation in the Guerguerat area as a result of Moroccan road works beyond the berm.

58. Uruguay was a firm supporter of the principle of self-determination, but that principle was not applicable to the case of the Malvinas, to which another guiding principle applied, that of the territorial integrity of States. The legitimate Argentine claims of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were historically, legally and geographically justified. Successive General Assembly and Special Committee resolutions had defined the sovereignty dispute between Argentina and the United Kingdom as a special and particular colonial situation which could be resolved only through a negotiated peaceful solution between the two parties concerned. It was therefore essential for the two parties to resume negotiations to find a just, peaceful and lasting solution to the dispute in line with the Charter of the United Nations and the relevant resolutions and declarations of the United Nations and the Organization of American States. The parties should also refrain from taking unilateral measures that would jeopardize such a solution. The renewed efforts of the Secretary-General to fulfil the mission of good offices entrusted to him by both the Special Committee and the General Assembly would be a major step towards a resumption of negotiations.

Statements made in exercise of the right of reply

59. **Mr. Perry** (United Kingdom) said that his country had no doubt regarding its sovereignty over the Falkland Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas, or regarding the right of the Falkland Islanders to self-determination in accordance with the Charter of the United Nations and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. Therefore, no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of the participants had voted to remain an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina continued to deny that such fundamental human rights applied to those people, which contravened the principles of the Charter.

60. Claims that hydrocarbon exploration in Falkland waters represented unilateral action were false. The decision by the previous Argentine Government to target assets and employees of hydrocarbon companies was politically motivated and an unacceptable attempt to exercise extraterritorial jurisdiction without legal justification, with dangerous implications for global business and free trade. Hydrocarbon exploration in the area was a legitimate commercial venture regulated by the legislation of the Falkland Islands government, in strict accordance with the United Nations Convention on the Law of the Sea. Argentine domestic law did not apply to the Falkland Islands. The operations of international companies working in those areas, which were subject to stringent international regulations and regular inspections, had wider economic benefits for the region and should not be subject to unlawful outside sanctions. His delegation welcomed the recent United Kingdom-Argentina joint communiqué indicating that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands, including in trade, fishing, shipping and hydrocarbons.

61. The United Kingdom was also clear that no civilian population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to

impose Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 had not included the southern half of its current form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. The province of Tierra del Fuego, to which Argentina claimed the disputed Territories belonged, had only become part of Argentina circa 1883, whereas British sovereignty over the Falkland Islands dated back to 1765, some years before the Argentine Republic had even existed. The United Kingdom had never implanted any civilian population; all civilians had been born there or had migrated voluntarily from various countries, including Argentina, during the nineteenth century.

62. **Mr. Mazzeo** (Argentina) said that his delegation reaffirmed the statements made by the President of Argentina at the current session of the General Assembly and by the Minister for Foreign Affairs of Argentina before the Special Committee in June 2016. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of the national territory of Argentina. The Territory had been illegally occupied by the United Kingdom and was therefore the subject of a sovereignty dispute that was recognized by a number of international organizations and by successive General Assembly resolutions calling on the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful and lasting solution to the dispute as soon as possible. That position had also been endorsed by the Special Committee and the Organization of American States.

63. Argentina regretted Great Britain's attempts to conceal the act of usurpation it had committed in 1833, which had been protested repeatedly by Argentina. Those attempts to distort history revealed the United Kingdom's lack of certainty about the lawfulness of its position with respect to the status of the archipelagos concerned. Instead of trying to refute historical facts whose occurrence it had already acknowledged, the United Kingdom should honour the commitment it had made to seek a just and definitive solution to the sovereignty dispute through bilateral negotiations with Argentina, in compliance with General Assembly resolution 2065 (XX).

64. The principle of self-determination, which was the only basis invoked by the United Kingdom in support of its position, was manifestly inapplicable to the dispute in question, as affirmed by the General Assembly and in statements adopted by multilateral forums. The illegitimate vote in the Malvinas Islands was a unilateral action undertaken by the United Kingdom that did not resolve the dispute or affect the inalienable rights of Argentina or the work of the Special Committee. The 2013 referendum had been a tautological exercise in which British subjects had been asked whether they wished to remain British, and could not resolve the sovereignty dispute. The interests of the inhabitants of the Malvinas Islands were and should be addressed by resolutions of the General Assembly and by the Constitution of Argentina.

65. Argentina rejected the continuing unilateral exploration and exploitation by the United Kingdom of renewable and non-renewable natural resources in the maritime areas surrounding the Malvinas Islands, in violation of international law and resolutions of the General Assembly, including resolution 31/49. While reaffirming its legitimate sovereignty rights, Argentina reiterated its willingness to resume bilateral negotiations with the United Kingdom to settle the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

Requests for hearings

66. **The Chair** drew attention to 133 requests for hearings under agenda item 58, one relating to the Falkland Islands (Malvinas) (A/C.4/71/2), 18 relating to French Polynesia (A/C.4/71/3), one relating to Gibraltar (A/C.4/71/4), four relating to New Caledonia (A/C.4/71/5), three relating to the United States Virgin Islands (A/C.4/71/6) and 106 relating to Western Sahara (A/C.4/71/7). He took it that the Committee wished to grant those requests.

67. *It was so decided.*

The meeting rose at 5.35 p.m.